

EXHIBIT A

SAMPLE FOIA/PA LETTER

Date: July 9, 2021

DEA FOI/Records Management Section
ATTN: FOIA/PA Unit (FSRF)
8701 Morrisette Drive
Springfield, Virginia 22152

Dear FOIA Officer:

This is a request under the Freedom of Information Act. Attached please find a copy of my completed *Certification of Identity* (DOJ Form 361): See:
<https://www.justice.gov/oip/page/file/1280011/download>

Telephone (optional): 703-850-6317

Email: chelseakelly@dwt.com

Date range of request: 1980-1999

Description of request: (Describe the records you seek in enough detail for DEA to conduct a proper search)

Please see attached letter.

I am:

- ☒ An individual seeking information for personal use and not for commercial use.
- ☐ A representative of the news media seeking information as part of a news gathering effort and not for commercial use.
- ☐ Affiliated with an educational or non-commercial scientific institution seeking information for a scholarly or scientific purpose and not for commercial use.
- ☐ Affiliated with a private corporation and seeking information for use in a company's business.

I am willing to pay up to \$500 for the processing of this request. Please inform me if the estimated fees will exceed this limit before processing my request.

If applicable, please attach additional information to your FOIA/PA letter concerning the following:

Requesting Records on an Individual (if applicable)

- ☐ I am requesting records on myself (see instruction # 3 above)
- ☐ I am requesting records on a deceased individual (see instruction # 4 above)
- ☒ I am requesting records on a third-party (see instruction # 5 above)

If you need further assistance, contact DEA's Requester Services Hotline at (571) 776-2300 or e-mail DEA.FOIA@usdoj.gov.

July 9, 2021

VIA ELECTRONIC MAIL

DEA FOI/Records Management Section
ATTN: FOIA/PA Unit (FSRF)
8701 Morrisette Drive
Springfield, Virginia 22152
DEA.FOIA@usdoj.gov

Dear Custodian of Records:

This is a request for public records pursuant to the Freedom of Information Act (5 U.S.C. § 552). This request seeks the right to examine and copy, or be furnished with copies, of records in the possession of the U.S. Drug Enforcement Agency. These records are not sought for any commercial purpose. Nevertheless, we agree to reimburse you for reasonable costs associated with producing the requested records. If that cost will exceed \$500, please let us know before you incur the costs.

Specifically, this request seeks information, which is relevant to a presently pending litigation—*Baraya v. Mazur, et al.*, Case No. 16-006002-CI (Fla. Cir. Ct. 2016, Pinellas Cnty.) regarding the following individual (the plaintiff in the case):

- **Name:** Francisco Javier Ospina Baraya
- **Aliases:** Javier Ospina Baraya, Javier Ospina, Francisco Javier Ospina Gutierrez, Javier Ospina Gutierrez, and Pacho
- **Date of Birth:** December 4, 1956
- **Colombia Cedula Number:** 70.077.853
- **Citizenship:** Colombia and Spain
- **Current Address:** Bdul. Regina Elisabeta 28, Corp B, Etaj 1, Ap B12 – Sector 5
Bucharest, Romania
- **Recent Addresses:**
 - Calle del Camino de Hoyarrasa, 24, 28109 Alcobendas, Madrid, Spain
 - 24 Calle del Camino de Hoyarrasa, Acobendas, 26109, Madrid, Spain
- **Prior Addresses in Following Cities:**
 - Medellin, Colombia
 - Bogota, Colombia

Attached hereto is DOJ Form 361, by which Mr. Baraya authorizes the release of information relating to him to the undersigned requester.

Background of Documents Requested:

During late 1989 or early 1990, DEA obtained various bank records from Panamanian officials concerning accounts maintained on behalf of members of the Medellin drug cartel at two financial institutions operated in Panama, Banco de Occidente (Panama) and Banco de Occidente International Limited. Although these records were provided to DEA pursuant to a written request initiated by DEA Special Agent David C. Panek to Miguel Antonio Corro Ponce, the Consulate of Panama in Washington DC, they were initially given by a Panamanian official to IRS Special Agent Jack Fishman, an agent that worked on this joint DEA / IRS matter that targeted Pablo Emilio Escobar-Gaviria and others.

Agent Fishman and other agents received the bank records in question at a warehouse in Panama and transported them, via a U.S. Military plane, to a U.S. federal building in the United States where the records, which filled several large boxes, were copied. Copies of the records were taken to the IRS Cincinnati Service Center (actually located in Covington, Kentucky). At the ADP Service Center, IRS and DEA agents analyzed and prepared schedules detailing roughly 138,000 financial transactions documented within the Banco de Occidente records.

The bank records in question were confirmed to reflect the laundering of roughly \$1 billion in drug proceeds on behalf of Pablo Escobar, Gerardo Moncada, Fernando Galeano, and other high-ranking members of the Medellin Cartel. The accounts identified at Banco de Occidente known to contain significant amounts of drug proceeds included the following:

1. Campo Libre S.A. (account number: 0202249701)
2. Punto Clave – (account number: 0202250001)
3. Yewfield – (account number: 02027980201 or 0202792801)
4. Eduardo Martinez – (account number: 0200755201)

A partial analysis of records related to the four accounts noted above (items 1-4) resulted in the discovery of transfers of drug proceeds from those accounts to various bank accounts in Spain. As a result, DEA provided Spanish authorities with copies of bank records concerning fund transfers from the above-referenced accounts to bank accounts in Spain. Spanish authorities, including those assigned to Spain's Financial Intelligence Unit (FIU), determined and reported to DEA that some of the drug proceeds sent from the four accounts in question were transferred to account(s) in Spain maintained by or on behalf of Francisco Javier Ospina Baraya (a/k/a Javier Ospina).

The documentation confirming transfers of drug proceeds from the four accounts in question to accounts controlled by Francisco Javier Ospina Baraya resulted in an initial denial of his request for a Visa made during and before January of 1993. This initial Visa denial was issued after consultation between various U.S. Embassy personnel in Madrid, including DEA, and Spanish authorities.

Francisco Javier Ospina Baraya is the brother of Rodolfo Ospina Baraya. At the time of the above-referenced funds transfers, Rodolfo Ospina Baraya was a senior member of the Medellin Cartel. A former member of the cartel who worked directly with both Francisco Javier

Ospina Baraya and Rodolfo Ospina Baraya has, in recorded interviews, recently identified Francisco Javier Ospina Baraya as the principle launderer of as much as \$300 million in drug proceeds earned by Rodolfo Ospina Baraya. It appears that none of the investments allegedly acquired with these drug proceeds have ever been seized.

Documents Requested in this FOIA Application:

1. Any and all forms DEA-6, reports, schedules, memoranda, cables, analysis, copies of bank records, or other records related to the transfer of funds from the above-referenced accounts, or any other accounts alleged to contain drug proceeds, to accounts maintained by or on behalf of Francisco Javier Ospina Baraya (or any of his aliases). These records should include, but not be limited to, transfers from the four above-referenced accounts maintained at Banco de Occidente during the period of January 1, 1987 through December 31, 1989.
 - a. Please note that the above-referenced bank records were acquired and associated with, among other cases, criminal indictment CR89-086A brought in U.S. District Court in Atlanta against Banco de Occidente (Panama) S.A. and others. It is believed that the bank records and related records concerning the four above-referenced bank accounts are most likely archived in the files of the DEA Atlanta Field Division and are related to the Atlanta Field Division's investigation(s) of Gerardo Moncada, Pablo Emilio Escobar-Gaviria, Eduardo Martinez, Gustavo De Jesus Gaviria-Rivero, Banco de Occidente, Carman Clara Garcia de Paredes, and others.
 - b. It is equally possible that the records may be part of the archived records of a parallel investigation concerning the same subjects that was conducted by the DEA Attaché's office in Panama City, Panama. The Panama City, Panama Attaché's office had joint involvement with the Atlanta DEA office in acquiring, analyzing and maintaining the records in question.
 - c. Locating these records will likely require minimal DEA resources and significantly reduce search costs if DEA contacts the FIU in Spain, whose files pinpoint the FIU's receipt of the relevant information from DEA and also pinpoints the details of the relevant information sent back to DEA by the FIU in Spain. Approaching the search for these records in this manner will enable DEA to precisely track the location of the relevant files within the massive number of DEA investigations related to the Medellin Cartel initiated by DEA that may otherwise have to be combed to locate the records in question.
2. Any forms DEA-6 related to the joint U.S. Customs / DEA investigation conducted by the DEA Tampa District Office that reference Francisco Javier Ospina Baraya (a/k/a Javier Ospina).
 - a. Please note that, in a related joint DEA / U.S. Customs investigation conducted in Tampa concerning the Medellin Cartel, the same bank account noted in item 1

above was referenced during a recorded undercover telephone call had by U.S. Customs undercover agent Robert Mazur on April 25, 1988, with Javier Ospina and an associate of Ospina. During the recorded call, Ospina provided Mazur with account number 0202249701 of Banco Occidente in the name of Campo Libre S.A., and instructions to wire \$700,000 to that account (see transcript attached as Exhibit 1).

Please search both the subject's full name and his aliases, as we are aware that certain government documents only refer to him by his alias(es).

We respectfully request that you respond to this request within 20 business days, as required by 5 U.S.C. § 552(a)(6)(A)(i). If access to the requested records will take longer, please contact us with information about when we might expect copies or the ability to inspect the requested records.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law. We note that the release of the information sought is unlikely to result in any foreseeable harm because the relevant events occurred between 20-40 years ago.

If you have any questions about handling this request, you may telephone me at 703-850-6317 or at my office phone, 202-973-4250.

Sincerely,



Chelsea T. Kelly
Davis Wright Tremain LLP

EXHIBIT 1

U.S. District Court
Middle District of Florida

GOVERNMENT'S EXHIBIT

Exhibit No:

259B

Case No:

88-330-CR-T-13 (B)

UNITED STATES OF AMERICA

v.

AMJAD AWAN, et al

Date Identified:

Date Admitted:

APR 10 1990

1 TAPE: 645-4
2 DATE: 04/25/88
3 TIME: 4:30 P.M.
4 PARTICIPANTS: ROBERT MUSELLA (RM)
5 MIKE COOPER (MC)
6 JAVIER OSPINA (JO)
7 UNINTELLIGIBLE (UI)
8
9 Today's date is April 25, 1988, and the time is now 4:30
10 p.m. Currently located at Port Richey, Florida, Financial
11 Consulting 813-845-4657, and advised that there was a call
12 to me on my line.
13
14 (RM) Hello, can I help you?
15 (MC) Yes, uh, Robert Musella?
16 (RM) Speaking.
17 (MC) This is Mike Cooper. I am calling for Javier
18 Ospina.
19 (RM) Yeah, Mike.
20 (MC) Um, all right, just a minute. He's explaining to
21 me right now what I need to tell you.
22 (RM) Okay.
23 (MC) Just hang on one minute if you will, please.
24 (SPANISH BEING SPOKEN IN BACKGROUND-UI)
25 (MC) (SPANISH) Bueno. He has um, uh, money that needs
26 to be deposit in a bank...
(RM) Yes.
(MC) ...account in Panama, right?
(RM) Um-hum.

1 (MC) And he wants to know if it could be deposit
2 directly into the Pana, into the ah Banco de
3 Occidente in Panama or if it has to go through
4 Miami.
5 (RM) No, it can go directly to, um well, I don't know if
6 it will go directly, but it, I will not have that
7 come back here. I will have it go through, if it
8 can't go directly from where it's at, I will have
9 it go through a cor a foreign correspondent.
10 (MC) Okay. Hang on one minute.
11 (SPANISH IN BACKGROUND - UI)
12 (MC) Bueno. (UI). Okay. The amount is seven hundred
13 and twenty-five thousand.
14 (RM) Hmm-mm.
15 (MC) Seven hundred thirty-seven dollars.
16 (RM) Correct.
17 (MC) From the ah, excuse me, to Banco de Occidente.
18 (RM) Yes.
19 (MC) And the, the account number is zero (PAUSE) ah
20 Banco de Occidente Internacional.
21 (RM) Yes.
22 (MC) And the account number is 02...
23 (RM) Um hum.
24 (MC) 02249701.
25 (RM) Okay. Let me repeat that number. 0202249701.
26 (MC) Right.
(RM) Okay.

-2-

Harris and Associates, Inc.

501 EAST KENNEDY BOULEVARD
SUITE 601
TAMPA, FLORIDA 33602
(813) 225-1432

1 (MC) Okay, now, hang on one minute, please.
2 (PAUSE)
3 (MC) How much time will it take to deposit the amount,
4 this amount of money into this bank?
5 (RM) Okay. Um, in view of the time of day it is now...
6 (MC) Um hum.
7 (RM) ...the money, uh, the funds are now sitting in
8 Europe and...
9 (MC) Okay.
10 (RM) ...and so they are closed for the day.
11 (MC) Right.
12 (RM) I will get instructions sent out first thing in the
13 morning from my bank here. First thing in the
14 morning here, which is nine o'clock...
15 (MC) Right.
16 (RM) ...is six hours later over there.
17 (MC) Okay.
18 (RM) All right. So...
19 (MC) So that...
20 (RM) It'll, it'll probably take two days.
21 (MC) Okay. Fine.
22 (RM) Um, you, he can rest assured I will accomplish this
23 at the quickest possible time that I can, it's just
24 the time differential that creates the problem...
25 (MC) Right.
26 (RM) ...you know?

1 (MC) Okay.

2 (RM) So, it should be two days max, the third day it
3 should be coming in.

4 (MC) Okay.

5 (RM) Matter of fact, um, I can call an associate of mine
6 at his home this evening so that I make sure first
7 thing when he walks into, to the bank tomorrow
8 morning that the instructions are sent out. And
9 um, so therefore I know that in Europe they'll
10 receive it, let's see, ten, eleven, twelve, one,
11 two, three o'clock...

12 (MC) Okay.

13 (RM) ...their time, so they'll probably send it out the
14 following morning.

15 (MC) Following day.

16 (RM) Yeah.

17 (MC) Right.

18 (RM) It'll probably be sent out the following morning.

19 (MC) Okay.

20 (RM) Okay?

21 (MC) Right. Javier

22 (SPANISH SPOKEN IN THE BACKGROUND)

23 (MC) Bueno, okay.

24 (RM) All right?

25 (MC) Uh, huh. He has something else.

26 (PAUSE)

1 (BACKGROUND NOISE)

2 (MC) Bueno. He said that there is some other money

3 also. There's 400, plus, uh, 468,000 and the other

4 the other men the other men that had this money are

5 not in town, he has not been able to get a hold of

6 them at this point.

7 (RM) Umm, right. Okay. I tell you what. I speak a

8 very limited amount of Spanish, but I can speak one

9 sentence that I wanted to ask Javier. [REDACTED] you'd

10 hand him the phone then that may expedite the rest

11 of our conversation.

12 (MC) Okay, fine, sure. Hang on.

13 (RM) Um hum.

14 (JO) Hello.

15 (RM) Hello. Javier,

16 (SPANISH) (ENGLISH)

17 (RM) Hello. Javier, [REDACTED] Hello. Javier, this

18 persona... person...

19

20 (JO) Si. Yes.

21

22 (RM) Esta persona tiene tu This person has your

23 confi-, confid, uh, trus-, confid-, ah,

24 confianza? trust?

25

26 (JO) [REDACTED] [REDACTED] Yes, yes.

1 (RM) Esta persona? This person?
2
3 (JO) Yes, yes.
4
5 (RM) Okay. Put him back.
6 (JO) No problem.
7 (RM) Bueno, [Good,] no problem.
8 (JO) Okay.
9 (RM) Um hum.
10
11 (JO) Bueno, Usted seguimos Well, do you want us to
12 hablando? continue talking?
13
14 (RM) to Mike...
15 (JO) Ah.
16 (RM) ...Miguel.
17 (JO) Oh.
18 (MC) Bueno, [Good] okay.
19 (RM) I just asked him something I needed to know, that's
20 all.
21 (MC) Fine.
22 (RM) And now that I do I can, I can speak a little more
23 freely to you. Um...
24 (MC) Okay.
25 (RM) ...Yeah, with regard to those that other amount
26 which is four hundred and some thousand, um, I know

Certification of Identity

FORM APPROVED OMB NO. 1103-0016
EXPIRES 05/31/2023

Privacy Act Statement. In accordance with 28 CFR Section 16.41(d) personal data sufficient to identify the individuals submitting requests by mail under the Privacy Act of 1974, 5 U.S.C. Section 552a, is required. The purpose of this solicitation is to ensure that the records of individuals who are the subject of U.S. Department of Justice systems of records are not wrongfully disclosed by the Department. Requests will not be processed if this information is not furnished. False information on this form may subject the requester to criminal penalties under 18 U.S.C. Section 1001 and/or 5 U.S.C. Section 552a(i)(3).

Public reporting burden for this collection of information is estimated to average 0.50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Suggestions for reducing this burden may be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, Public Use Reports Project (1103-0016), Washington, DC 20503.

Full Name of Requester ¹ Francisco Javier Ospina BarayaCitizenship Status ² Colombia and SpainSocial Security Number ³ _____Current Address Bdul. Regina Elisabeta 28, Corp B, Etaj 1, Ap B12 - Sector 5 Bucharest (ROMANIA)Date of Birth December 4, 1956Place of Birth Bogota COLOMBIA**OPTIONAL: Authorization to Release Information to Another Person**

This form is also to be completed by a requester who is authorizing information relating to himself or herself to be released to another person.

Further, pursuant to 5 U.S.C. Section 552a(b), I authorize the U.S. Department of Justice to release any and all information relating to me to:

Chelsea Kelly of Davis Wright Tremaine LLP: chelseakelly@dwt.com, 703-850-6317

Print or Type Name

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I am the person named above, and I understand that any falsification of this statement is punishable under the provisions of 18 U.S.C. Section 1001 by a fine of not more than \$10,000 or by imprisonment of not more than five years or both, and that requesting or obtaining any record(s) under false pretenses is punishable under the provisions of 5 U.S.C. 552a(i)(3) by a fine of not more than \$5,000.

Signature ⁴ Date 06.23.2021

¹ Name of individual who is the subject of the record(s) sought.

² Individual submitting a request under the Privacy Act of 1974 must be either "a citizen of the United States or an alien lawfully admitted for permanent residence," pursuant to 5 U.S.C. Section 552a(a)(2). Requests will be processed as Freedom of Information Act requests pursuant to 5 U.S.C. Section 552, rather than Privacy Act requests, for individuals who are not United States citizens or aliens lawfully admitted for permanent residence.

³ Providing your social security number is voluntary. You are asked to provide your social security number only to facilitate the identification of records relating to you. Without your social security number, the Department may be unable to locate any or all records pertaining to you.

⁴ Signature of individual who is the subject of the record sought.